

**STATE LAND USE PLANNING ADVISORY COUNCIL**

**MINUTES**

**Thursday, October 18, 2007**

**Meeting location**

Ely (Bristlecone) Convention Center,  
150 Sixth Street  
Ely, NV 89301

**Members Present**

Bill Kirby, Esmeralda County  
Butch Borasky, Nye County  
Clint Wertz, Lincoln County  
Eleanor Lockwood, Churchill County  
Juan Guzman, Carson City  
Ken Benson, Eureka County

Mickey Yarbrow, Lander County  
Robert Conner, Douglas County  
Robert Klein, Clark County  
Robin Bell, White Pine County  
Sheri Eklund-Brown, Elko County  
Tom Fransway, Humboldt County

**Members Absent**

Bill Whitney, Washoe County  
Don Tibbals, Lyon County  
Glenn Bunch, Mineral County  
Robert Kershaw, Storey County  
Roger Mancebo, Pershing County

**Others Present**

Pam Wilcox, Nevada Division of State Lands  
Jim Lawrence, Nevada Division of State Lands  
Skip Canfield, AICP, Nevada Division of State Lands (State Land Use Planning Agency)  
Paul A. Williams, Nevada Division of State Lands (State Land Use Planning Agency)

**ELECTION OF A TEMPORARY CHAIRMAN**

At 3:30 pm in the absence of the Chairman and Vice-Chairman, **Pam Wilcox**, Administrator, called for nominations of a Chairman of the day to preside over the meeting. **Member Fransway** nominated **Member Yarbrow** to be the temporary Chairman, seconded by **Member Eklund-Brown**. Being no other nominations, **Ms. Wilcox** called for a vote, and the motion carried unanimously.

**CALL TO ORDER**

**Temporary Chairman Yarbrow** called the meeting to order and called for any corrections to the draft Minutes of the August 10, 2007. **Member Eklund-Brown** moved for approval as presented, seconded by **Member Lockwood**, the motion carried unanimously. **Chairman Yarbrow** asked for self introductions from the Council members. Upon completion, he called for the Agency reports.

## **AGENCY REPORT**

**Ms. Wilcox** welcomed the three new alternates representing Lincoln, Clark, and Eureka Counties. She indicated that **Member Clint Wertz** is the first to serve on SLUPAC after serving as staff in the Division of State Lands. She continued with the Agency report. She stressed the importance of SLUPAC and the value of sharing the wisdom of the members. She stated that the Agency is in good financial shape, and was working to comply with the Governor's requests regarding possible budget reductions. **Ms. Wilcox** complimented the staff and the participants in making this year's Rural Nevada Planning and Natural Resources Conference a great success. She then deferred to staff to give a rundown on the activities since the last meeting.

**Mr. Canfield, AICP**, reported on community assistance projects that have occurred since the August meeting including town plan updates in Austin, Tonopah, and Kingston, as well as master plans for Amargosa Valley, Beatty and Caliente. He stated that they had done some work on zoning for Esmeralda County, and public land policy development in Elko and White Pine Counties. He confirmed that the White Pine County Public Policy Plan was adopted about two months ago. He concluded by reminding the Members that the Agency does offer free planning technical services to all Communities throughout the State.

**Mr. Williams** concurred with Mr. Canfield that they have been busy throughout the State. He also stated that they had been active in getting the word out as to the free planning services available to communities, and pointed out the banner on the wall that elaborates on those services, as well as **Mr. Canfield's** recent participation in the NACO Conference. He felt that this information and all of the work they put in to put on the Rural Nevada Planning and Natural Resources Conference that is occurring in Ely along with this meeting really represents what the State Land Use Planning Agency is.

**Ms. Wilcox** indicated that Kevin Kirkeby's sends his apologies, but that Senator Ensign is in Reno. Therefore, he needs to be there and would not be able to attend the SLUPAC meeting.

## **PUBLIC COMMENTS**

**Chairman Yarbrow** asked if there were any public comments. There were no comments.

## **PLANNING ISSUES**

**Chairman** called for the member to report on the significant planning activities in their County:

**Bill Kirby**, Esmeralda County:

- County is formulating some planning and zoning provisions with the help of the State Land Use Planning Agency staff.
- There is increased mining activity in the County, including the re-assessment of an old mine, which may include a huge ore body.
- He took a representative of the Coalition of Nevadan Environmentalist on a tour of the County to review possible ideas for wilderness areas. He stressed the need to keep as much of the County as possible open for economic development and access for recreational purposes.

**Juan Guzman, Carson City:**

- City is still experiencing budget issues.
- Work on the watershed fire rehabilitation continues.
- The downtown plan is gaining support locally and statewide.
- Additional lands along the Carson River have been purchased for open space.
- Continue to work with the Federal Agencies to develop a logical ownership pattern on the hills west of the City, as a part of a Congressional land bill which we hope will be out in draft within the next sixty to ninety days.

**Butch Borasky, Nye County:**

- Master Plan work continues in Amargosa Valley and Beatty. He stressed the importance of having a master plan.
- Comprehensive rezoning of the Pahrump area completed with about twenty percent being held back, because of the concerns expressed as a part of the public hearings.
- BLM is putting a field office in Pahrump where seventy percent of the County's population lives.

**Sheri Eklund-Brown, Elko County:**

- Public Land Policy Plan is underway.
- County Water Plan has been adopted.
- Rail Corridor Plan continues.
- Final plans approved for the County Complex.
- Ended the year with about 600,000 acres of fire damage. Grazing permits are on hold until the Federal Agencies can plug the fire damaged areas in, because the permit holders have to stay off of their burned allotments for a rest period of at least 3 years until some recovery of the forage has occurred. One point five million acres burnt, NDF and BLM have done an excellent job fighting fires.
- Fire safety training is being planned.
- There was a Congressional hearing in Elko on the proposed changes to the 1872 mining Act that was well attended.

**Bob Conner, Douglas County:**

- Annual review of the Master Plan completed.
- Transportation Plan update has been incorporated into the County Master Plan.
- Open Space Plan update has been approved by the Planning Commission.
- County has adopted a Clustering Zoning concept to assist owners in their agricultural areas.
- The County has adopted stricter standards for private septic systems.
- New casino and more retail stores are coming in to the North Douglas County retail area.

**Eleanor Lockwood, Churchill County:**

- Two geothermal plant applications are being processed, including the doubling of the Stillwater Geothermal plant.
- Budget reductions are underway.

- After three and one half years the Rambling River Ranch Conservation Easement, funded by Question One has been completed.
- Continue to move forward with the water and sewer improvements. First phase of sewer facilities operational, with the second phase under construction. A test well is being drilled. The new rates have caused some controversy.
- UNR is trying to set up a panel of experts to assist the County in the review of industrial applications.

**Robert Klein, Clark County:**

- County growth rate at 2%. Building permits down 25% from a year ago.
- The fact that Clark County does not allow billboards has become an issue.
- Planning commission is considering the issue of impact fees.
- An update of the Northwest land Use Plan is underway, as well as the South County Land Use Plan.

**Robin Bell, White Pine County:**

- The area around Ely is experiencing increased parceling, because housing is in high demand. Several new small businesses are starting to appear.
- Only two and a half acres remain to be developed in the industrial park. It needs to be expanded.
- Last month BLM released 1,541 acres for development next to the Ely airport as part of the White Pine County Conservation, Recreation and Development Act of 2006.
- The Nevada Northern Railway is now recognized as a National Historic Landmark.
- Growth is occurring within the urban interface between Ely and McGill. The Southern Nevada Water Authority has acquired several ranches in the County.
- The proposed coal fired power plants in Steptoe Valley are moving forward.
- The White Pine County Water Resources Plan has been well received by the deputy State Engineer.

**Tom Fransway, Humboldt County:**

- Progress continues on the Question One grants. One is the River walk trail and the other is non-motorized trail up Winnemucca Mountain.
- Had significant fire activity this year with it coming right up to the Winnemucca city limits. Working on a watershed rehabilitation plan for Water Canyon. Still working on funding for the rehabilitation of private lands.
- Checkerboard land issue has raised its head in Humboldt County where people are buying large parcels of land without knowing that the sale does not include the mineral rights, and that there are mineral leases on the properties and access problems.
- Have acquired the 177 acres to enlarge the airport industrial park from BLM as a direct sale. Eighty employees working at the Carry-On Trailers factory.
- There is a promising geothermal plant site at Blue Mountain.
- New fixed base operations at the County airport with a large maintenance and restoration is being planned.

**Member Eklund-Brown** requested that the split estate issue would be a good topic for a future meeting. She stated that in recent meetings with representatives from BLM, they were told that numerous oil and gas leases are being acquired even in residential areas. She indicated that Elko County prohibits drilling in residential areas as a part of their zoning regulations. They are required to access from outside the residential areas by other means.

**Ken Benson**, Eureka County:

- Two subdivisions being designed in the City of Eureka.
- Interviewing for a Community Development Coordinator position with a two year sunset provision.
- Major mine being planned in the Mount Hope area.
- 120,000 to 150,000 acres in fire damage this year.
- The closing of I-80 because of fires is an on-going challenge.
- Newmont Mining will be bringing a power plant online in 2008.
- New ordinance in place requiring the complete four strand fencing of all newly created parcels.

**Member Eklund-Brown** requested a copy of the new ordinance.

**Clint Wertz**, Lincoln County:

- Completed a two year review of the development agreement for Coyote Springs development that is 40,000 acres in size with the potential of 120,000 dwelling units. The Habitat Conservation Plan is being completed.
- Another project is just north of Mesquite in the Toquop area that includes 13,000 acres with a potential of 40,000 units. Drainage and transportation plans are underway. Water is a major issue.
- Completed two major updates to the County's Master Plan.
- Working with all of the Communities to get their Master Plans updated. The Lincoln County public Lands Bill released 90,000 acres of Federal land around the existing communities for development.
- Received a grant from Question One to develop an Open Space Plan.
- Completed a major revision of the planning fees.
- Industrial Park being planned in Alamo.
- Solar power plant being considered north of Mesquite in the Toquop area.
- Considering doing a comprehensive fiscal impact study.

**Member Yarbrow**, Lander County:

Asked County Executive Director Gene Etcheverry to give a report on the County activities. Mr. Etcheverry reported on:

- Thanked the State Land Use Planning Agency staff for their assistance to Austin and Kingston in their Master Planning efforts.
- A subdivision is underway in Battle Mountain.
- Over a third of Battle Mountain has been rezoned from mobile home to single family residential.
- County requires a road to County standards as a part of any new parcels.
- 130,000 acres burned this year.
- Has the most geothermal leases in the state and received \$955,000. Three companies will be filing for permits to build plants. The gas fired power plant is almost ready to come online.
- Mining activities are up.
- Over two million dollars of capital improvements in downtown Battle Mountain.
- The Shoshone OHV Trail which is a Question One project is out for environmental review.

**Member Benson** inquired how Lander County deals with road right of ways in checkerboard areas when the property might be six miles away from the nearest public road. **Mr. Etcheverry** responded that they require a thirty foot road easement around all of the new lots, but there are still connection problem that may never be resolved. **Member Lockwood** stated that Churchill has required a sixty foot wide easement with a gravel travel way to the nearest County road forever. She said they too got the calls from owners from out of the area, but they have stuck to their requirement, and the calls have reduced substantially.

**Chairman Yarbrow** asked if there were any comments from the audience. **Celeste Hamilton** from Pershing County indicated that they have established a minimum 160 acre zoning in the checkerboard areas and require road access to County standards, as well as power, water and sewer improvements. This was after three years of public hearings, because of all of the controversy they gave owners a year to complete any pending parcel maps that did not comply which expired last June.

**Ms. Wilcox** stated that she believes Pershing County was the first County that has zoned all of their federal lands. She indicated that while it had no effect as long as it remained public, it does apply if the land is released for development.

**Member Klein** said Clark County has at least master planned federal lands for years.

#### **PRESENTATION OF PENDING PUBLIC LANDS BILLS (Cancelled)**

#### **BREAK**

**Temporary Chairman Yarbrow** called for break at 5:30 pm. He reconvened the meeting at 5:37 pm.

#### **COUNCIL MEMBER COMMENTS**

**Chairman Yarbrow** asked if there were any comments from the members. **Member Eklund-Brown** wanted to thank Kevin Hill from State Lands for all of his work on the Question One applications. **Chairman Yarbrow** thanked Ely and SLUPAC for the accommodations and the great sessions as a part of the Conference.

#### **COUNCIL DISCUSSION AND RECOMMENDATIONS\***

**Chairman Yarbrow** thought that at least all of the County Managers should get together to discuss the checkerboard issues. **Ms. Wilcox** suggested that maybe staff could coordinate with NACO to perhaps come up with uniform development standards for checkerboard lands. **Chairman Yarbrow** suggested that we invite Andrew List from the Fire Safe Council to give a presentation on the Angora Fire, particularly the different between the impacts of the fire on areas that had prescribed burns versus areas that did not.

**Member Lockwood** stated that she thinks that land use should be tied to the available water. She is convinced that the State Engineer needs to come to the table before this could be achieved. **Member Benson** said Eureka County would be moving forward with a water rights dedication Ordinance in

January and was hoping to have the Central Nevada Water Authority to gain the assistance of the State Engineer in December.

**Member Kirby** asked to have an agenda item on public lands bills and the 1872 Mining Act with the hope that there can be developed a list of reasons why Nevada Counties are unique that could be sent to Senator Reid's office to reduce the potential for more large wilderness areas being created. He felt we have an obligation to protect Nevada's public Lands from restrictive legislation.

**Ms. Wilcox** pointed out that SLUPAC advises the Administrator and perhaps the possible outcome of such of a discussion would be a draft letter to the Senator's office which she could send on the Council's behalf.

**Member Eklund-Brown** would like to have representatives from the Forest Service to make a presentation on their plans for the wild-land urban interface planning issues they are discussing. She also suggested Mr. Ed Smith attend from the UNR Co-operative Extension.

**Ms. Wilcox** asked for a clarification from **Member Lockwood** as to what she hoped to achieve by inviting the State Engineer to discuss connecting water rights with land use. **Member Lockwood** responded that she felt that the issue of the connection between underground and surface water rights needed to be clarified and the State Engineer needed to have an understanding of what each of the counties were doing, when, and why. In addition, she is concerned that the Central Nevada Water Authority is requiring by resolution that all of the Counties establish land use policies that are directly connected to water availability when it is already in the State Law, but it is being ignored.

**Ms. Wilcox** said it has been in the State Law since 1971. The Master Plan provisions include a conservation plan that must include an estimate of the resources needed to sustain the County on a continuing basis. She stated the other is the population plan which must be based on the conservation plan. They are mandatory for the big Counties and optional for all of the other Counties. **Member Lockwood** is looking to have a discussion among all parties so that we can all get on the same page.

**Ms. Wilcox** stated that this topic should be scheduled for a future meeting, including a presentation on the provisions of NRS 278 and its refinements, because that would be informational for the state engineer's office. There should be a fair amount of time for discussion.

**Ms. Wilcox** will contact the State Engineer to see when he would be available to meet with SLUPAC to address this very important topic.

**Chairman Yarbro** suggested that this topic would take up at least a half of a day and there should be limited items on that agenda.

### **FUTURE MEETING CONSIDERATIONS \***

**Mr. Williams** indicated that they were looking to late January or early February for a meeting in either Virginia City or Yerington.

**END OF MEETING**

**Member Eklund-Brown** moved to adjourn the meeting, seconded by **Member Conner**. The motion carried unanimously, and the meeting concluded at 6:00pm.

Respectfully submitted,

Paul A. Williams, Senior Planner  
Meeting Recorder

Please note that minutes should be considered draft minutes pending their approval at a future meeting of the State Land Use Planning Advisory Council. Corrections and changes could be made before approval.

The meeting was digitally recorded. Anyone wishing to receive or review the recording may call (775) 684-2731. The recording will be retained for three years.